

OFFICE OF THE SECRETARY  
SECRET NO. 4  
DATE 3-30-07  
FILE NO. HJ 31

DATE: March 30, 2007

TO: Members of Senate Natural Resources and Energy

SUBJECT: HJ 31, Joint Resolution opposing Rockies Prosperity Act of the United States Congress

The Congressional bill, HR 1204 (The Rockies Prosperity Act) has potential impact on the entire country far beyond almost anyone's comprehension. The Northern Rockies Ecosystem Protection Act of 1999 (HR 488) initially targeted the five northwestern states, but through periodic re-writes and reintroduction under various titles and bill numbers, the concept has expanded through the country to states along the entire east coast and regions from Alaska through Mexico and Central America.

The aim has been to place at least 50% of the land mass under federal ownership and/or control. Only through review of official maps can anyone begin to comprehend what this might mean. The loss of private property to government ownership would constitute tremendous erosion of the tax base, of which a major portion goes to the school system nationwide. Already communities are suffering the consequences of lost income from the timber industry, alone, as well as the government funding designed to compensate for that. We can only image the devastation to our economy if additional lands are removed from production of all natural resources, timber, and minerals.

Citizens have been told that tourism and recreation can replace these industries, and are eyeing the mountainous regions with low populations as ideal for these purposes. Reports from British Columbia which has been further than the U.S. into the Wildlands Project for more years, have statistically shown the cumulative loss of 80,000 jobs, \$3.9 billion in personal income, and \$1.2 billion in government revenues annually and \$5.4 billion in GDP. With the loss of our own timber industry we show comparable figures.

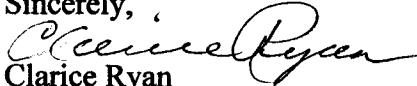
This does not take into consideration the close down of energy sources, grazing lands, etc. The loss of industry represents also the loss of funding to care for and maintain these lands, which has proven disastrous as we witness insufficient funds to perform fire prevention, post fire restoration or even the ability to finance fire fighting resulting from the lack of care and fuels reduction due to insufficient funding.

Humans and human activities have for decades, been able to co-exist very successfully with wildlife. There is no need to exclude people from our lands through establishing, as this bill dictates, the core areas devoid of human access and buffer zones that intrude into adjoining private properties. Recreation, tourism and wildlife will thrive together in well cared for scenic areas, as opposed to burned and destroyed regions due to fires.

Banning human habitation and involvement as called for in this Wildlands bill is a sure way to destroy the economy, our way of life, and even the health of the lands themselves. Furthermore, through these measures turning over all or a major portion of the private property in America to our government, we lose our form of government, the freedoms of our citizens and our unique position of leadership and prosperity among the nations of the world. There has already been too much slippage in that direction and passage of this bill threatens our very way of life, possibly driving the final nail in the coffin.

I urgently request that you vote YES in favor of opposing the Rockies Prosperity Act of the United States Congress.

Sincerely, .

A handwritten signature in cursive script, appearing to read "Clarice Ryan".

Clarice Ryan

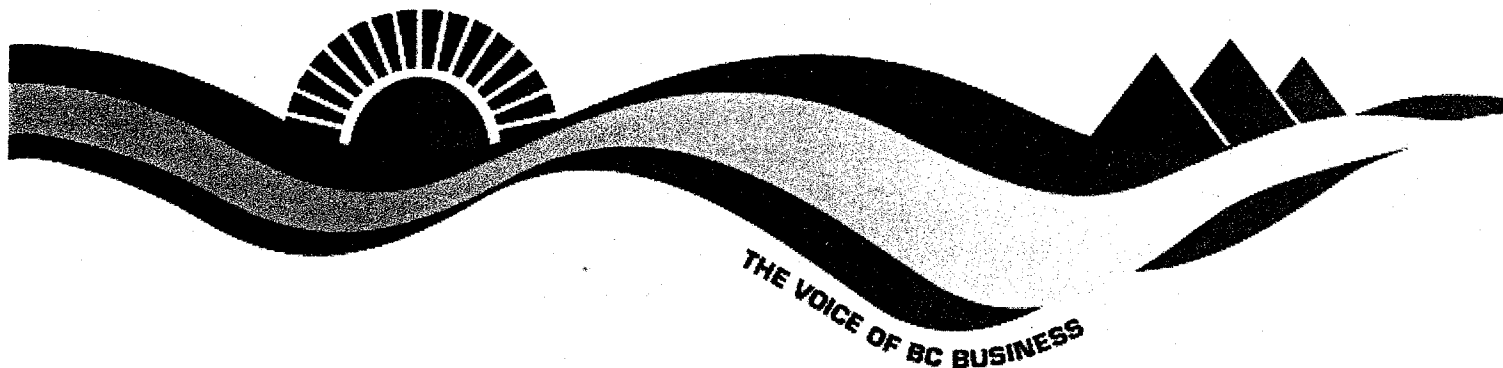
253 Pine Needle Lane

Bigfork, MT 59911

406/837-6929

Welcome to the

## BRITISH COLUMBIA CHAMBER OF COMMERCE



ENTER SITE 

### YELLOWSTONE TO YUKON - PROPOSED WILDLIFE CORRIDOR (1999 - revised 2004)

The Chamber is very concerned by the Wildlands Project's Yellowstone to Yukon Conservation Initiative - Y2Y). The mandate of the Wildlands Project seeks to protect and restore the ecological integrity and biodiversity of North America through the establishment of a connected system of conservation reserves. The Y2Y initiative is an effort to develop a series of core protected areas, connected by movement corridors for wildlife and surrounded by buffer zones, from the south of the Greater Yellowstone Ecosystem in Wyoming to the north end of the Richardson Mountains in Yukon Territory.

Jackson, WY

This is an area some 2900km long that covers approximately 35% of the geographic area of BC. A wide corridor covering the area from the BC-Alberta border west to such cities as Grand Forks, Vernon and Quesnel are included. Immediately north of Prince George the proposed area flares west to cover most of the northern part of the province.

\* The Y2Y concept is **not** a provincial government initiative. Rather, it is a proposal by an independent group of environmentalists with input from non-Canadian conservation groups such as the Washington, D.C. based Wilderness Society. Much of the advancement has been through the US federal and state agencies, NGO's (non government organizations), and international organizations. Unfortunately, BC's population along the Rocky Mountains seems to be held hostage to this project – despite its being driven by external forces.

Dave Forman Chairman of the Board of the Wildlands Project (and a director of the Sierra Club), was the principle founder of the eco-terrorist group Earth First. He defines legitimate wilderness as "*vast landscapes without roads, dams, motorized vehicles, powerlines, overflights or other artifacts of civilization.*" Reed Noss, another director of the Wildlands Project, has been quoted as saying 50% of North America needs to be set aside to achieve the Wildlands Project objectives. He has also said "*the collective needs of non-human species must take precedence over the needs and desires of humans.*"

With such proponents, the Y2Y concept is not friendly to the resource industries. In fact, it appears to seek the curtailment or elimination of resource industry activities within its boundaries, which could have a devastating effect upon the economy of the province of BC. If the provincial government supports this initiative it will allow the potential de-industrialization and de-population of the Rocky Mountains.

The impact of this is enormous. The Y2Y area includes approximately 35% of the provincial annual timber harvest (i.e. the Annual Allowable Cut). For example, it includes approximately 90% and 72%, respectively, of the Annual Allowable Cut in the Nelson and Prince George Forest regions. Given that the economic base of these regions is resource-based, any significant reduction in timber harvesting would have an extremely negative effect on the affected regions and the province as a whole. A study by The Chancellor Partners has shown that the potential cumulative impacts from the forest industry alone could be as high as 80,000 jobs, \$3.9 billion in personal income annually, \$1.2 billion in provincial government revenues annually and \$5.4 billion in GDP.

This does not even include calculations about the mining industry. The coal mines in the Elk Valley, for example, are a major economic driver in the region and are already overburdened with regulations and red tape. Conservationists discount these claims. A report prepared by the Wilderness Society implies that an economic base could instead be provided by *"business owners, retirees and entrepreneurs who have decided that living in the Rockies is important to their quality of life."*

The provincial government has implemented a number of local land use planning strategies such as the Land and Resource Management Planning (LRMP) process which allow all interested parties to participate in the decision-making process. In the East Kootenays, for example, the CORE process has already protected some 16% of the land base, well above the 12% target set by the provincial government. Consequently, a radical non local, independent approach which could gut the economy of the province is not appropriate.

#### THE CHAMBER OF RECOMMENDS:

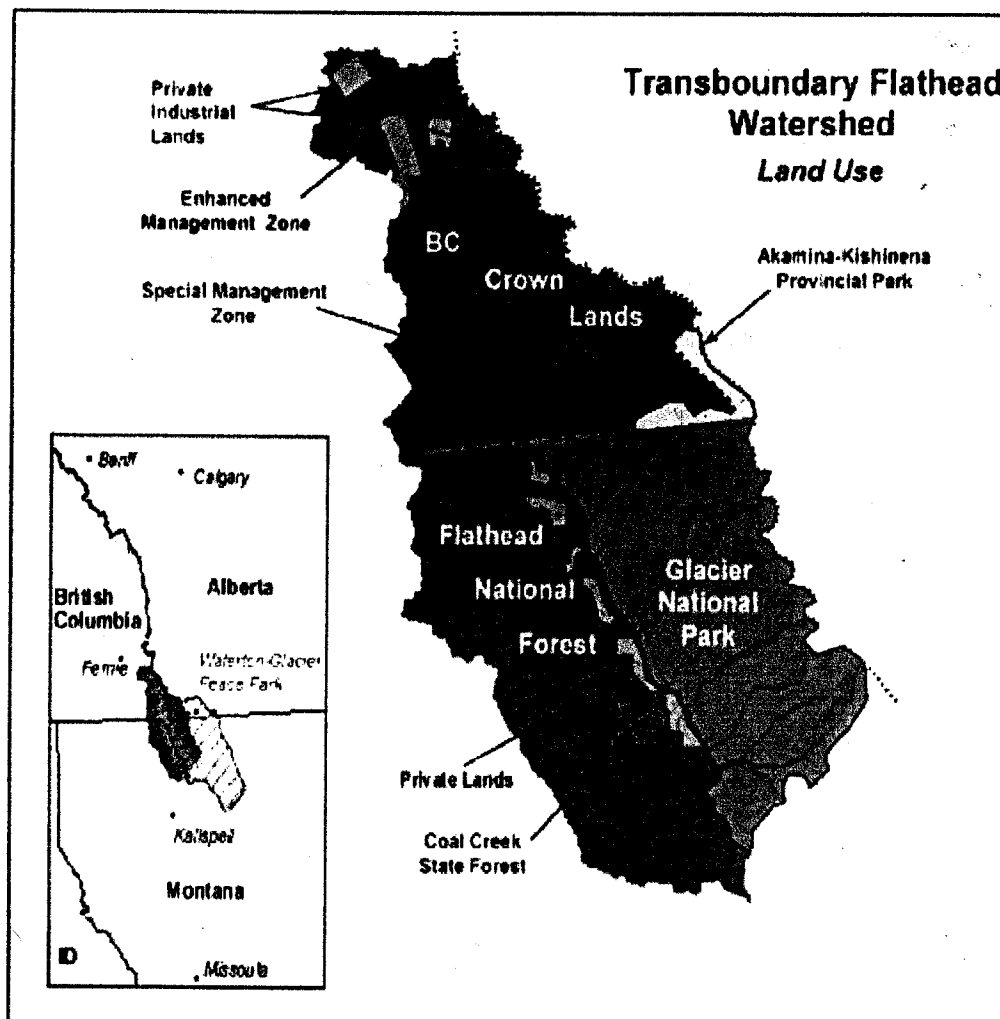
That the provincial government:

1. continue to follow and honour making local land-use decisions inside the existing provincially-sponsored initiatives such as the LRMP process; and
2. oppose any action by the proponents of the Y2Y concept which seek to alter or negatively affect the existing processes.

# The Flathead Valley

Letter  
Parks Canada  
Petition

## SAY "NO" TO THE FLATHEAD NATIONAL PARK PROPOSAL!



The Flathead National Park proposal is moving ahead at an accelerated pace, fuelled by lobbies from US and Canadian Environmental groups that are striving to create the Yellowstone to Yukon corridor.

National Parks and National Historic Sites of Canada has been meeting with (some) stakeholders regarding the proposed extension to Waterton National Park. The park was proposed by CPAWS (Canadian Parks and Wilderness Society), a group opposed to resource extraction, hunting, and motorized recreation.

There is talk of compensating Tembec for loss of forestry, and others for mineral rights if / when the park is established, but that cash would go straight to Tembec's head office down East leaving not a penny in this region. Those

10's of millions could easily be put to better use on infrastructure programs such as high-speed internet for rural areas and keeping hospitals open.

Parks Canada and CPAWS are claiming they have the support of the BC Provincial Government, First Nations, and area residents. Bill Bennett, MLA East Kootenay has said "My view of the CPAWS proposal is quite simple: if there is clear majority of East Kootenay residents who want, or do not want, this national park, my job will be to represent that view. I believe our government will not support this park if there a strong majority in the region against its creation."

It is time once again to communicate our views to the BC Government to help them understand how we, the people who live here, feel about this and all other closures. We also need to "tune-in" our federal MP, Jim Abbot, and the folks at Parks Canada. Note also that our federal Liberal senator has written letters in support of this new park.

Please consider circulating the Sparwood Fish and Wildlife's petition.

Please send a letter opposing the park. For names and addresses of MPs and MLAs please see

— Bruce McEllan  
Bear Biologist,  
Canadian Flathead



# Connections

## Conserving critical cores and corridors in the Y2Y region

### Special Northern Crown of the Continent Issue

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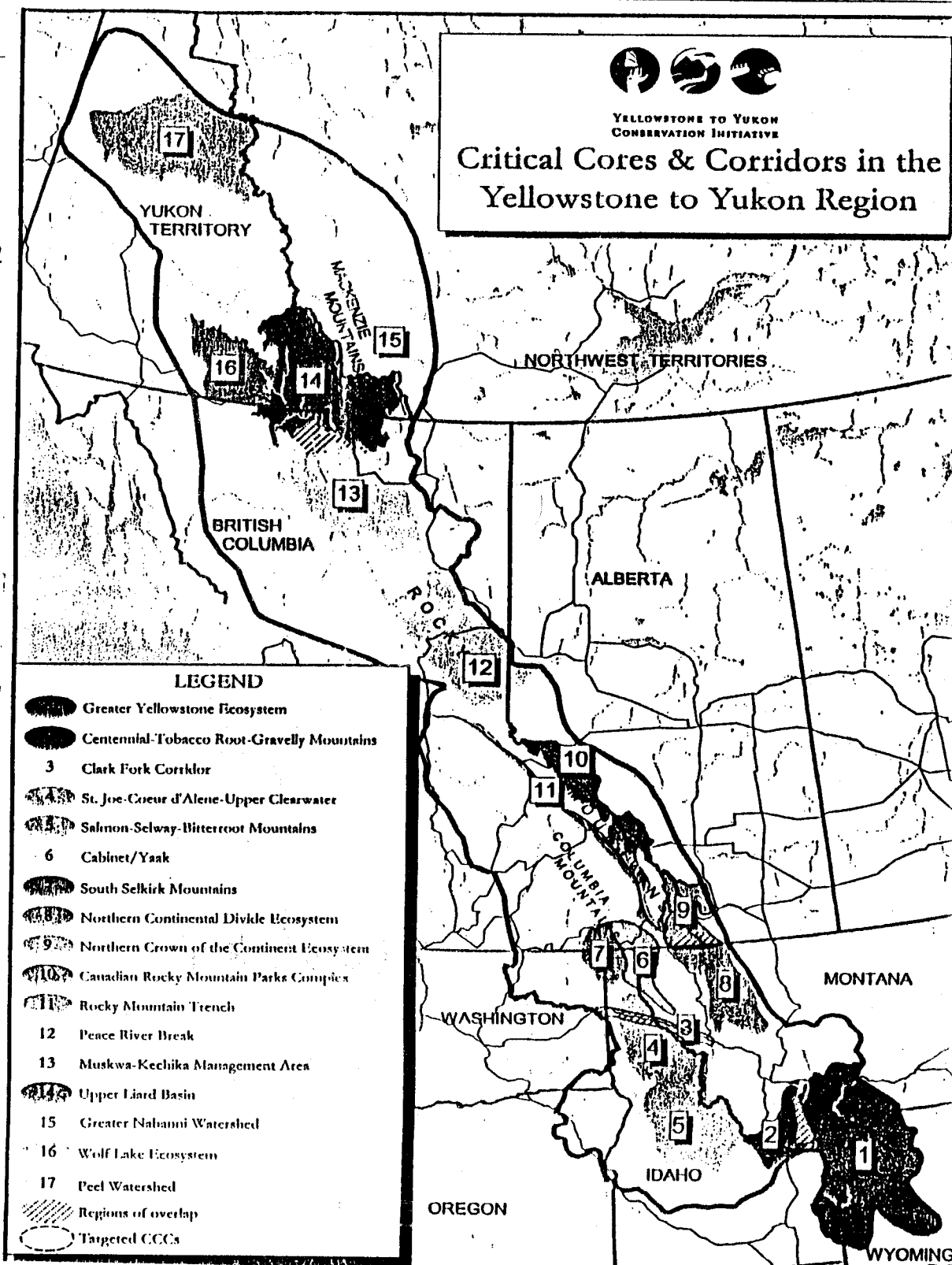
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YELLOWSTONE TO YUKON  
CONSERVATION INITIATIVE

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# "Welcome to The TNC\* Connection"

\*(The Nature Conservancy\*)

Updated 12-13-2001

Exposing the real agenda behind all the environmental paranoia, and what TNC's doing in their particular areas.

*Key Documents of the Ramsar Convention* (Outside Link)

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NEW!

## **The Green Land-Grabbers: It's Not Just the Feds Who Are After Your Land**

*By Bonner Cohen*

*Summary: Major environmental organizations such as the Nature Conservancy are working closely with the federal government to buy large tracts of private land, frequently at the expense of private property owners' rights. These environmental organizations often then sell the land to the government -- at a profit. Most disturbing, land purchases reflect the long-term goal of some green groups to turn up to fifty percent of U.S. land into wilderness.*

"My father made him an offer he couldn't refuse," Michael Corleone tells his girlfriend Kay in perhaps the most famous line from "The Godfather." Three decades after Mario Puzo's fictional saga of a New York crime family first captured the public's imagination, the expression "to make someone an offer he can't refuse" has come to characterize those less than voluntary decisions people sometimes are forced to make.

Sadly, such "offers" have long been a staple of U.S. environmental policy. For years, property owners in rural America have been confronted by unpleasant choices in which the thing they least want to do-sell their land-becomes the only option open to them. Selective enforcement of the Endangered Species Act, arbitrary application of wetlands regulations, massive government land purchases, or protracted disputes over grazing and water rights-these are the things that traditionally pit powerful federal bureaucrats against unsuspecting farmers, ranchers, and other property owners.

In this unequal battle, federal agencies not only have hordes of government lawyers at their disposal, they also have powerful, well-funded allies in the environmental movement who have mastered the art of putting the squeeze on the hapless landowner. Cloaking themselves in the mantle of environmental protection, these groups know how to turn environmental laws against property owners, coordinate their land-grabbing schemes with friendly federal regulators, and employ their vast financial resources to intimidate landowners.

The tactics these organizations use vary widely. Some purchase private land and sell most of it to the government for a profit - a lucrative practice for some environmental organizations that creates a perverse incentive to target private property. Others promote direct government purchases of private land in the guise of "protecting" it. Some bring suit either

to sell his property. Still others allow property owners to keep their land but seek restrictions on its use. But regardless of the approach taken, the big environmental groups' wealth enables them to attack property owners from different directions.

Indeed, the amount of money pouring into the nation's roughly 8,000 environmental organizations is nothing short of staggering. In his landmark five-part series for the Sacramento Bee, appropriately titled "Environment, Inc.," Tom Knudson reported that U.S. green groups took in \$3.5 billion in 1999, up 94 percent since 1994, and that individuals, companies, and foundations gave an average of \$9.6 million a day to environmental organizations in 1999. Knudson, whose series appeared in the April 22-26, 2001 editions of the Bee, pointed out that such is green largess that the salaries for CEOs at the ten largest environmental groups averaged \$235,918 in 1999, the latest year for which figures are available.

Something else Knudson's exhaustive research turned up is the unequal distribution of the money flowing into the coffers of environmental organizations. Citing data on file with the IRS, he found that 20 of the nation's 8,000 green groups took in 29 percent of all contributions to environmental groups in 1999. Indeed, the top 10 environmental groups earned spots on the Chronicle of Philanthropy's list of America's wealthiest charities.

Because space does not allow for consideration of the tactics and strategies of all key players, this article will focus on the activities of three of the most successful organizations: the Nature Conservancy, the Conservation Fund, and the Wilderness Society.

### **The Nature Conservancy**

Of the most powerful green organizations, none is more flush with cash-or more astute at using its wealth in the service of its political agenda-than the Nature Conservancy. Founded in 1951, the Nature Conservancy has grown from modest beginnings to become what property-rights advocates Ron Arnold and Alan Gottlieb have correctly labeled "the richest of all environmental groups." In the fiscal year ending June 30, 2000, the Conservancy reported total revenue and other support of \$786.8 million. In addition to its headquarters in Arlington, Virginia, the group has eight regional offices, along with 50 state chapter offices.

The Nature Conservancy boasts a membership of 1,029,012 people who pay a minimum annual membership fee of \$25. In addition to the membership dues and contributions that generated \$357.4 million in fiscal year 2000, the Nature Conservancy earned \$60 million from government awards, \$14 million from private contracts and \$161 million from investment income. The Nature Conservancy also reports that it received "gifts of land" in 2000 worth \$90 million.

The group is certainly not exaggerating when it describes itself as "the world's largest private international conservation group. Working with communities, businesses and people like you, we protect millions of acres and waters worldwide." To date, the Conservancy has acquired more than 12 million acres of land in the U.S. that is organized into more than 1,400 preserves. There is no reason to doubt that the Conservancy will be able to continue its aggressive acquisition of land. Last year alone, donations increased more than \$60 million, helping it add more than 500,000 acres to its network of sanctuaries. The Nature Conservancy is currently waging a "Campaign for Conservation" to raise \$1 billion to "save

the world's Last Great Places." As of September 2001, the Conservancy was well on the way to meeting that goal, having raised \$817.5 million.

Philanthropies, corporations and individuals are major donors to the Conservancy. Charities donating between \$10-20 million to the Campaign for Conservation, for instance, include the Doris Duke Foundation, Wolf Creek Charitable Foundation and the Morgridge Family Foundation. The \$5-10 million donors include the Paul G. Allen Forest Protection Foundation, the Mary Flagler Cary Charitable Trust, Central & South West Corporation and the George S. & Delores Dore Eccles Foundation. Charities and corporations donating \$1 million or more include the Ahmanson Foundation, the W.K. Kellogg Foundation, Georgia Pacific Corporation, Microsoft Corporation, Charles Stewart Mott Foundation, the Victoria Foundation and the William Penn Foundation.

The Nature Conservancy has extensive support from corporate America. Since 1994, General Motors Corporation has donated more than \$4.7 million and more than 100 trucks to the organization. Likewise, Canon U.S.A. has contributed \$10.3 million and equipment since 1990 while the Southern Company has given \$2.6 million since 1996.

For years the Conservancy also has worked closely with the federal government-and it has enjoyed great financial benefits from that relationship. One letter from the Deputy Director of the U.S. Fish & Wildlife Service to the Conservancy dated August 30, 1985, underscores the long-standing arrangement under which the Nature Conservancy has served as a conduit for government purchases of private land. "We are appreciative of the Nature Conservancy's continuing effort to assist the Service in the acquisition of lands for the Connecticut Coastal National Wildlife Refuge," it read.

It is worth noting that in this and other correspondence, the government agreed to pay the Conservancy "in excess of the approved appraisal value." In one celebrated case, the Nature Conservancy was found by the Department of Interior's Inspector General in 1992 to have sold property to the Forest Service that had been donated to it. Arnold and Gottlieb report the organization's profit on this transaction, after deducting expenses, was \$877,000.

According to the most recent figures available, in 1996 TNC received \$37,853,205-or 11 percent of its total income-from the sale of private land to federal, state and local governments for use as parks, recreational areas, and nature preserves. Arnold and Gottlieb report that TNC sells about two-thirds of the private land it purchases to the federal government. In this way, tens of thousands of acres of private land, and the tax revenues that land generates for local governments, disappear each year and become part of the growing federal estate.

### **The Conservation Fund**

While the Nature Conservancy specializes in serving as a conduit to funnel private land into government hands, the Conservation Fund engages it what it calls "land preservation initiatives" with partners, which include "county, state, and federal land stewardship agencies, foundations, non-profit organizations, and interested citizens." On its web site, the group boasts that, "The Conservation Fund and its partners have protected more than 3 million acres of the nation's natural and cultural heritage." "The Fund's success at leveraging support is measured in dollars of land purchased," the organization explains.

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**"The estimated market value of the 3 million acres is \$1.4 billion-but we paid only \$850 million."**

**One of the Conservation Fund's most innovative and effective projects is the Conservation Leadership Network. The Network, a collaborative effort involving the Conservation Fund, the Land Trust Alliance, and the U.S. Fish & Wildlife Service, is a training center that brings together activists and government officials who share a common interest in transferring private property to government ownership or control. It offers an array of courses on such topics as "Land Conservation Strategies" and "Conserving Land Through Conservation Easements."**

**Most of the courses are taught at the posh mountaintop National Conservation Training Center in Shepherdstown, West Virginia. More specialized classes are held at other locations around the country. "The facilities were spectacular," commented one former student on the training center in Shepherdstown. "I was really impressed with the physical layout. It's good to see our tax dollars at work in such positive ways."**

**Among the Conservation Fund's many activities is the "preservation" of Civil War battlefields. But "preservation" often means expanding battlefield boundaries and gobbling up private land in the process. In one ambitious land-grabbing effort near Antietam Battlefield National Park, the Conservation Fund joined forces with the National Park Service and the State of Maryland.**

**Ann Corcoran, a former employee of the Nature Conservancy and the Audubon Society, owns a farm adjacent to Antietam park. She and her neighbors understand the tactics of the Conservation Fund - what she calls "squeezing landowners" - because they experienced it first-hand in the 1990s. At a Competitive Enterprise Institute roundtable discussion on "What Makes for a Good Land Trust'," Corcoran explained what happened to her. "Once land trusts start working hand in glove with governments, then what they're doing is my business," she said.**

**Corcoran elaborated: "The Conservation Fund, working with the Park Service, decided they were going to start picking up properties outside the boundary of the park. The Park Service did not have the right to tell them to pick up private properties outside the legislated boundary, for the purpose of selling them to the National Park Service."**

**"One of those properties would have surrounded me and put my farm in the park, and we purchased the property to save ourselves from being included with a national park boundary expansion. Once private property comes inside the boundaries and becomes an inholding, it is eligible to be condemned by the Park Service."**

**Corcoran noted that Conservation Fund lobbyists made repeated attempts in Congress to find a senator who would support an expansion of the park's boundary. "But there are sixteen homeowners who would get stuck as inholders inside the park, and they're scared to death." Fortunately, Corcoran and her neighbors banded together and blocked the Conservation Fund's maneuvers at Antietam.**

**The Wilderness Society**

Founded in 1935, the Wilderness Society says its mission is "to protect America's wilderness and to develop a nationwide network of wild lands through public education, scientific analysis, and advocacy." Headquartered in Washington, DC, the Wilderness Society has eight regional offices and over 200,000 members. In 1999, it had a budget of \$14.3 million and generated more than \$18.8 million in revenue, almost all from donors. Individuals accounted for \$14.8 million of the revenue, foundations for \$2.5 million and corporations for \$265,000. Leading philanthropic donors to the Wilderness Society include the Ford Foundation (\$225,000 in 1998), the John D. and Catherine T. MacArthur Foundation (\$150,000 in 1998), the David and Lucile Packard Foundation (\$50,000 in 1999), and the Town Creek Foundation (\$75,000 in 1998).

The Wilderness Society occupies a unique position. "It has steadfastly rejected the acquisition and ownership of private property for its own self-management, unlike the Audubon Society, the Nature Conservancy, and the National Farmland Trust," note Arnold and Gottlieb. "Instead, the Wilderness Society prefers to advocate only government ownership and management of natural resources."

In keeping with its pledge to "develop a national network of wild lands," the Wilderness Society is one of many environmental organizations involved in the "Wildlands Project." Described by Science magazine (June 25, 1993) as "the most ambitious proposal for land management since the Louisiana Purchase of 1803," the Wildlands Project calls for "a network of wilderness reserves, buffer zones, and wildlife corridors stretching across huge tracks of land-hundreds of millions of acres, as much as half of the continent."

According to Science, the long-term goal of the Wildlands Project "is nothing less than a transformation of America from a place where 4.7 percent of the land is wilderness to an archipelago of human-inhabited islands surrounded by natural areas." Quietly launched in 1991, the Wildlands Project has been guided by David Foreman, formerly with the Wilderness Society and founder of Earth First!; Michael Soule, professor emeritus at the University of California at Santa Cruz and a man considered the father of "conservation biology"; and Reed Noss, an Oregon-based scientist and prominent conservation biologist. By 1999, the Tucson, Arizona-based organization had a full-time staff of eight and a budget of \$1.6 million.

The project aims to return fifty percent of the continental United States to a "natural" state. It calls for establishing systems of core wilderness areas where human activity would be prohibited. Biological "corridors" would link the "core areas," serving as highways allowing nonhumans to pass from one core to another. And buffer zones would be established around the core areas and their interlocking corridors. Only outside the buffer areas would human activities such as agriculture and industrial production be permitted. The goal is to overcome what conservation biologists Soule and Noss refer to as the "fragmentation of habitat." In this ecocentric view of the world, the survival of flora and fauna takes precedence over all other considerations. "Our goal is to create new political realities based on the needs of other species," the Wildlands Project's Foreman told Science News in 1993.

The project is so audacious that it easily could be dismissed as little more than a green pipe dream. Yet the Los Angeles Times took the Wildlands Project seriously enough to do a feature on it in September 1999, even reproducing a map courtesy of the Wildlands Project.

As the Times noted, the Wildlands Project goes beyond setting aside land. "[T]he group also envisions *rewilding* parts of the West by winning government approval to bring back major carnivores like mountain lions, wolves and grizzlies to maintain ecological checks and balances." Needless to say, introducing carnivores into rural areas might so frighten local residents that many would leave—exactly what Wildlands Project supporters want.

To launch the scheme, the Bullett Foundation gave the Oregon Natural Resources Council, a Wildlands Project member, \$95,000 in 1993 and 1994 for "advocacy work based on good science, agency monitoring, and appeals." The Pew Charitable Trusts also gave the project a boost. In 1993, it named Noss its Pew Scholar for Conservation and Environment, providing him with \$150,000 for the next three years.

Many donations have gone directly to the Wildlands Project, but others are made to one or more of three dozen organizations that are part of the project's grassroots network. Friends of the Bow/Biodiversity Associates, for example, is dedicated to "protecting" and connecting the Medicine Bow National Forest of Wyoming and Colorado, the Black Hills of South Dakota, and the northern portion of Colorado's San Juan Mountains. The group vigorously opposes logging and mining activities in the region and supports U.S. Forest Service attempts to mandate roadless areas in the national forests. Its donors include the Wilderness Society, Sierra Club, Foundation for Deep Ecology, National Rivers Coalition, Fund for Wild Nature, Harder Foundation, and Reraam Foundation.

The Wildlands Project has enjoyed the enthusiastic support of the Wilderness Society. "It's the right vision, it's the vision we have to pursue or say good-bye to Mother Nature," said Mark Shaffer, the group's former vice president of resource planning and economics. In this spirit, the Wilderness Society in July 2001 joined the Sierra Club and the Colorado Wilderness Network to urge Congress to designate for wilderness protection 1.6 million acres of "wildlands" held by the Bureau of Land Management (BLM) and adjacent U.S. Forest Service land. The proposal, they explained, "offers a balanced alternative to the threats to these special places from increased oil and gas development, mining, logging, and unregulated off-road vehicle use."

Such proposals should not be viewed in isolation. Each acre of land so "protected" becomes part of a larger mosaic that activists put together piece by piece. They have a vision of where they want to go and how to get there. Supporters of the Wildlands Project may never realize their goal of creating interlocking cores, corridors, and buffers across the North American continent. But enough private land is lost in the United States to pose a threat to our nation's character. Every bureaucratic land grab undermines the right to own property and produce wealth—wealth that sustains philanthropy.

### **The Human Cost of Land Grabbing**

Dave Fisher is a third-generation cattle rancher at Ord Mountain, near Barstow, California. Fisher's ranch has been in his family for 75 years, and he has permits from the BLM that allow him to graze cattle on government-owned lands adjacent to his property. Fisher's ranch, located in the California Desert Conservation Area, is subject to unique climatological conditions prevailing in that part of the Mojave Desert. It's also subject to federal regulation. Like other ranchers in the area, Fisher's livelihood depends on his ability to use his own land and to acquire the grazing allotments he leases from the BLM.

**In 2000, three environmental groups-the Center for Bio-Diversity, Sierra Club, and Public Employees for Environmental Responsibility-sued the BLM in federal court over its conduct relating to threatened or endangered species protection in Southern California.**

**The BLM settled the case out of court. Without consulting its inholders-the landowners whose property is surrounded by government-owned land-or its lease holders who hold BLM grazing permits, the BLM declared its lands and those under private ownership in the affected area to be "critical habitat" for the desert tortoise. It also agreed to a series of stipulations on how critical habitat could be used. Especially onerous to ranchers like Fisher, the BLM drastically reduced the number of days cattle could graze on BLM allotments. On May 15, 2001, Fisher was given 15 days to remove his 307 head of cattle from the BLM land for which he had grazing permits. He was also told to remove the cattle from his own land. Fisher appealed the decision.**

**The drastic BLM action prompted San Bernardino County Sheriff Gary Penrod to revoke a three-year-old Memorandum of Understanding between his office and BLM's law enforcement branch. In an April 17, 2001 letter, a copy of which was provided by Fisher's lawyer Karen Budd Falen, Sheriff Penrod told the federal agency that it was acting in an "arbitrary and unreasonable fashion in threatening to remove cattle from grazing lands situated within the County of San Bernardino."**

**"This action," he wrote, "will directly and negatively impact the very livelihood of California cattlemen, and may result in physical resistance by cattlemen attempting to preserve their stock." Penrod added: "I do not wish to be associated with any Bureau of Land Management Law Enforcement personnel who may be precipitating possible violent range disputes."**

**On August 24, Administrative Law Judge Harvey C. Sweitzer ruled that the BLM violated its own regulations by failing to engage in "consultation" with Fisher and six other ranchers affected by its order. Judge Sweitzer remanded the BLM order back to the agency and instructed it to afford Fisher and the other ranchers "a real opportunity to contribute information and shape the actions to be taken for the future benefit of all parties."**

**However, on September 7, the agency simply resurrected its May 15 decision and slapped strict limits on Fisher's use of his land and lands within his grazing allotment. When the decision goes into effect, Fisher will have just 48 hours to remove his cattle from the 154,848-acre allotment he leases from the BLM. What's more, if Fisher's livestock stray into the closed areas, even though there are no fences, he could be charged with trespassing and lose all or parts of what is left of his grazing privileges.**

**Because there isn't enough private pasture to feed his herd, it's ruinous to Fisher to have the BLM reduce by 44 percent the number of days he is permitted to graze livestock on his allotment. And it's physically impossible for Fisher to remove his cattle from the huge area in 48 hours. Moreover, by including some of his own land in the exclusion area, BLM denies Fisher the use of his property without compensation. If these actions stand, Fisher will lose his ranching operation.**

**Judge Sweitzer's instruction that BLM allow Fisher to participate in the grazing decision is**

less supportive than it at first appears. His only opportunity to participate was a BLM "workshop" scheduled for September 6-7. Fisher was given less than one week's notice and because of a prior commitment could not attend. BLM ignored his request to reschedule it for the following week.

Ironically, it was rancher stewardship of the land that attracted the desert tortoise. It was not until the Fisher family drilled water wells on its own land that the desert tortoise became prevalent in the California Desert Conservation Area. The tortoise attracted the attention of the environmental groups, and they used it and their influence with federal officials to push Fisher and his neighbors off the land.

### **Ending a Way of Life**

Sadly, the tragedy befalling Dave Fisher is duplicated across the country. As these lines are written, 1,400 farmers and ranchers along the California-Oregon border are facing a similar disaster. A severe drought has prompted the Bureau of Reclamation to divert water intended to irrigate crops in the arid region, called the Klamath Basin, to rivers and lakes that are home to two species of sucker fish, which the Fish & Wildlife Service considers endangered species. Without the life-sustaining irrigation, the farmers' potato crop will wither in the field.

In a pattern that has become all too familiar in rural America, environmental organizations, among them the Oregon Natural Resources Council and Water Watch, filed the lawsuits that triggered the federal government's decision to cut off the farmers' water.

Like Fisher, the Klamath Basin farmers and ranchers are on the verge of losing their livelihood because the Endangered Species Act protects a species other than their own. Many of the Klamath Basin's residents are descendants of World War I and World War II veterans who settled the region after the government promised them they would have water for irrigation. Indeed, many veterans had deeds -- signed by various U.S. presidents -- granting them and their heirs water rights into perpetuity. As their prospects for economic survival dwindle, there is talk of having the federal government or environmental groups buy them out. But the proud residents of the Klamath Basin don't want to be bought out; they want to farm and ranch just as their grandparents did.

Farmers and ranchers are being urged to accept an offer they can't refuse. They may have little choice but to salvage what they can. But if it comes to that, another bit of rural America will have surrendered the promise of prosperity and forcibly be returned to the wild.

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This article was published by the Capital Research Center.